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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/692,955   | 10/24/2003  | Thomas J. Fowler     | LEAR 03771 PUS / 03771 | 1880             |
| 34007  | 7590        | 10/08/2004           | EXAMINER               |                  |
| BROOKS KUSHMAN P.C. / LEAR CORPORATION<br>1000 TOWN CENTER<br>TWENTY-SECOND FLOOR<br>SOUTHFIELD, MI 48075-1238 |             |                      | WUJCIAK, ALFRED J      |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 3632                   |                  |

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/692,955

Applicant(s)

FOWLER ET AL.

Examiner

Alfred Joseph Wujciak III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

This is the first Office Action for the serial number 10/692,955, INSTRUMENT PANEL SYSTEM, filed on 10/24/03.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14-18, lines 1-2, "the at least one display" cites combination/subcombination problem because "the at least one display" is not positively cited in the independent claim 11.

Claim 19, line 1, "claim 12" should be changed to ---claim 18--- because claim 12 or claim 11 don't have support for "the control panel".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 6-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 4,706,810 to Petrilli.

Petrilli teaches an instrument panel system (figure 1) comprising an instrument panel (10) having an opening (23) configured to receive one of a plurality of devices (15a,15c). The opening has an area and each of the plurality of devices has an area substantially less than the area of the opening. The system includes a removably attachable secondary panel (52) for covering a portion of the opening. The secondary panel forming an intermediate surface (36) visible to the occupant. Wherein the surface of the secondary panel visible to the occupant substantially matches the surface of the instrument panel visible to the occupant. The instrument panel and secondary panel are configured to meet so that the instrument panel and secondary panels appear substantially integral to the occupant. The secondary panel is removably attachable by the occupant. The system further comprises at least one additional secondary panel (51) having a different appearance than the secondary panel (figure 2). The secondary panel comprises an opaque portion (col. 4, lines 33-34) and a transparent portion (window, col. 4, line 3).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 11-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of US Patent # 5,148,282 to Sedighzadeh.

Petrilli teaches an instrument panel system (figure 1) comprising an instrument panel (10) having an opening (23) configured to receive one of a plurality of devices (15a, 15b, 15c). The opening has an area and each of the plurality of devices has an area substantially less than the area of the opening. The system includes a removably attachable secondary panel (52) for covering a portion of the opening. The secondary panel forming an intermediate surface (36) visible to the occupant. Wherein the surface of the secondary panel visible to the occupant substantially matches the surface of the instrument panel visible to the occupant. The instrument panel and secondary panel are configured to meet so that the instrument panel and secondary panels appear substantially integral to the occupant. The secondary panel is removably attachable by the occupant. The system further comprises at least one additional secondary panel (51) having a different appearance than the secondary panel (figure 2). The secondary panel comprises an opaque portion (col. 4, lines 33-34) and a transparent portion (window, col. 4, line 3). The at least one display comprises at least one cathode ray tube display unit (col. 3, line 24).

Petrilli teaches the secondary panel but fails to teach the secondary panel comprising a one-way light transmissible material. Sedighzadeh teaches the secondary panel (64) comprising a one-way light transmissible material (70, col. 2, lines 30-35). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the one-way light transmissible material to Petrilli's secondary panel as taught by Sedighzadeh to provide improvement in aesthetic on the instrument panel.

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Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of Sedighzadeh and in further view of US Patent # 4,644,512 to Grilk.

Petrilli teaches the at least one display comprises a depth finder (col. 3, line 22) but fails to teach the depth finder comprising at least one light emitting diode (LED) or liquid crystal display unit. Grilk teaches the depth finder (figure 2) comprising at least one light emitting diode (col. 1, lines 7-8) or liquid crystal display unit (col. 2, line 7). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Petrilli's depth finder with LED or liquid crystal display unit as taught by Grilk to provide additional information for detecting the depth of water.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrilli in view of Sedighzadeh and in further view of US Patent # 4,624,114 to Soleau.

Petrilli teaches the at least one display but fails to teach the at least one display comprises a control panel with at least one touch activated switch. Soleau teaches the at least one display comprises a control panel (42) with at least one touch activated switch (172). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added control panel to Petrilli's at least one display as taught by Soleau to provide control of a vehicle system.

#### ***Allowable Subject Matter***

Claims 2-5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art fails to teach wherein the intermediate surface substantially surrounds the device.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 4,350,544 to Matsuno

US Patent # 4,989,535 to Lacasse et al.

US Patent # 5,143,265 to Schultz

US Patent # 5,788,532 to Takiguchi et al.

US Patent # 5,889,337 to Ito et al.

US Patent # 6,550,835 to Davis, Jr. et al.

US Patent # 4,462,564 to Alves et al.

US Patent # 6,666,413 to Nakajima

Matsuno teaches a switch mounted in a vehicle dashboard having pad surrounding the switch. Lacasse et al. and Schultz teaches a storage in console having transparent door. Alves et al., Davis, Jr. et al., Ito et al., Takiguchi et al. and Nakajima teach an attachment structure for mounting on instrument panel/console.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read "A. Joseph Wujciak III", with a stylized flourish at the end.

9/28/04